



## Considering Climate Justice and Human Rights in responding to COVID-19

### The Networkwide Project on Environment & ESCR Response to the COVID-19 Crisis

April 2020

*This document was based on online discussions with and written input from several members of the networkwide project on Environment & ESCR.*

Following the COVID-19 crisis and response, members have highlighted fundamental issues of concern in the context of climate justice, environmental rights and human rights, as well as the opportunity to reflect on what this crisis means in terms of advancing a transformative rights-based agenda on climate.

Members have highlighted that several countries have used the crisis to weaken environmental protections and enforcement as well as approve or facilitate fossil fuel and other environmentally destructive projects.<sup>1</sup> For example, in the United States, the Environmental Protection Agency has suspended its enforcement of environmental laws during the COVID-19 crisis. In response, **Amnesty International** has **called** on the US to immediately revoke suspension of these environmental protections. Meanwhile in Colombia, the government has issued presidential decrees ordering the suspension of all in-person consultations, moving them instead to virtual platforms, thereby undermining participation rights, including the right to free, prior and informed consent, with significant ramifications for human and environmental rights. **Comité Ambiental en Defensa de la Vida** is involved in challenging this development.<sup>2</sup> In India, the government has

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<sup>1</sup> AIDA, climate justice advisory group call, March 30, 2020. (citing cases in Argentina and Peru); Forum-Asia, written contribution, 17 April 2020 (citing the weakening of environmental protections and facilitation of environmentally destructive corporate extractive activity in Didipio, Philippines); See also, Special Rapporteur on Human Rights and the Environment Statement on COVID-19: <https://bit.ly/3emSjiT>

<sup>2</sup> Comité Ambiental en Defensa de la Vida, written contribution, 19 April 2020; According to Coordinadora Andina de Organizaciones Indígenas (CAOI), online consultations have also been decreed in Bolivia, WESCR WG call, 16 April 2020.



cleared several infrastructure and development projects and is proposing amendments to dilute the environmental impact assessment process.<sup>3</sup> In related developments, it also appears that corporate lobbyists, particularly from the oil and gas sector, are invoking the crisis to demand financial support as well as deregulation, including climate related deregulation (for example, postponing planned increases in federal carbon tax), including in the US, Canada and Australia.<sup>4</sup>

In addition, members are reporting that in the wake of the crisis there has been increased repression of protest as well as greater persecution of environmental human rights defenders, who are sheltering in place and more easily targeted. For example, as noted by the **InterAmerican Association for Environmental Defense (AIDA)**, in Colombia, three social leaders were killed in one week after the introduction of quarantine measures. **Franciscans International (FI)** has described the violent police repression of a peaceful protest against mining by an affected community in Didipio, Philippines, in the midst of enhanced community lockdown. FI also reported that in Brazil, mining has been declared as essential activity, enabling the Amazon and indigenous territories to be further encroached, while protest by communities is made impossible.

**Minority Rights Group International (MRG)** has highlighted the particular risk of COVID-19 to indigenous peoples, particularly in terms of wider health implications, noting that significant percentages of indigenous populations could fall ill or be forced to migrate, and that leaving their customary lands can present a grave risk to their human rights, as well as to biodiversity and the solutions that indigenous knowledge provides for the climate crisis.

Members have also highlighted problematic narratives emerging to celebrate temporarily improved air quality and reduction of emissions, even when this is at the cost of human suffering (“people are the virus”). In particular, these narratives disregard the poor, migrants and indigenous communities, among others, for example, ignoring how the application of certain public policies

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<sup>3</sup> Nazdeek, written contribution, 16 April 2020. See also, Jacob Koshy, Apex wildlife panel holds virtual conference, clears infra projects, The Hindu, 9 April 2020, <https://bit.ly/2VcJfW6>

<sup>4</sup> Edie, Polluters see coronavirus as chance to lobby against climate policies, 3 April 2020, <https://bit.ly/2XTuA4b>.



like lockdowns without adequate notice or support, has impacted the human rights of the most vulnerable like migrant low wage workers in India. This kind of narrative might contribute to shifting the blame for environmental degradation and climate change to people and away from the systemic failures of our political and economic systems. It might also perpetuate the human versus environment paradigm which might lead, as per **MRG**, to further justification for [fortress conservation](#) or similar practices, threatening the human rights of marginalized populations.

While COP26 was cancelled due to the COVID-19 crisis, climate and human rights activists are calling on states to continue to urgently act on climate. However, inevitable budget cuts as a result of the crisis could negatively impact the implementation of nationally determined contributions (NDCs) or the likelihood of enhanced climate ambition from countries and represent a further obstacle for the implementation of human rights-compliant measures to tackle the climate crisis. **Dejusticia** has reflected that 2020 is a critical year for the updating of commitments, and that we are already seeing the first signs of lack of ambition, for example, in the delivery of the NDC of Japan. There is a sustained need for strategic and proactive advocacy on continued climate action even in the face of this crisis.

This crisis has clearly thrown into relief the essential interconnectedness of our existence, and as suggested by the **Egyptian Association for Collective Rights (EACR)**, it also highlights the reality that we are not well positioned to take on a crisis of this scale, let alone multiple and compounding crises, without significant systemic restructuring.

**FIAN International, Asia Indigenous Peoples Pact (AIPP), FI and Nazdeek** have reflected, and [studies](#) have reinforced, how the endless quest for economic growth and profit for the few have driven deforestation, extraction, dispossession of indigenous peoples and other local communities, and the destruction of biodiversity, leading to contact with wildlife with new diseases and the threat of future pandemics. Such pandemics should be better prevented and managed in the future by addressing the environmental and climate crisis with the urgency and the



seriousness that are necessary. The crisis and its response, according to **Lok Shakti Abhiyan** and **Dejusticia**, also reveal and exacerbate systemic inequalities and structural vulnerabilities, in and between countries, that in many instances underlie the climate crisis as well, where those most impacted are often our most vulnerable. Members have shared, as supported by [research](#), that many poorer communities and other marginalized groups are located near polluting and extractive projects, leading to respiratory health issues that make them more vulnerable to COVID-19. The **Global Initiative for Economic, Social and Cultural Rights (GI)** has noted that while we have seen a longstanding backlash against science, especially on climate change, one potential positive aspect of the crisis might be that it leads to a revaluing of scientific expertise and a greater openness to other ways of living (i.e. flying less), allowing us to rethink infrastructure investments. These issues must be considered as we plan for post-crisis, human rights-based systemic restructuring.

Given the scale of the crisis and the inevitable economic impacts that await us, many members have emphasized the need to advocate for and organize towards a just recovery, guided by a feminist intersectional approach, centering resisting communities and movements, and informed by our collective experience through the crisis.

**Partners for Dignity and Rights** has reflected on what we should learn from this crisis. First, social solidarity through physical distancing and sheltering in place across the globe is essentially what is creating protection for humanity as a whole. Second, we are seeing what is essential in our economy. The essential workers that are keeping our populations afloat are primarily public servants and low-wage workers in the care sectors, food systems, and factories producing essential goods. And what have emerged as essential systems -- healthcare, government, mutual aid networks and community infrastructure - are also keeping our world intact.

These COVID lessons offer a blueprint for creating resilience in the face of an impending economic catastrophe and the ongoing climate crisis and elevate the essential systems we must focus on in any recovery process. Multiple members have expressed that solidarity, shaped by



community driven alternatives, which take into account whole ecosystems and are based on human rights, can transition us away from a fossil fuel driven economy to one that prioritizes people and the planet over profit. In this context, we will, as already apparent, need to [counter](#) the rise of authoritarianism and excessive use of force by States in the crisis context. But this fight for a just recovery is an essential one to reclaim human rights and protect our planet. As **AIPP** has [emphasized](#), “keeping the balance of mother earth and respecting the mutual wellbeing of people and nature is a long-term solution for life to thrive on the planet.”

**Considering the above, we call on States to:**<sup>5</sup>

- 1. Ensure COVID-19 responses center human and environmental rights, guided by the overarching principles of universality, participation, transparency, substantive equality and accountability.**

#### **In the short term**

- Respect, protect and fulfill all human and environmental rights in the context of COVID-19 responses. Any restrictions of rights must be strictly necessary and temporarily limited to confront the pandemic, legal, reasonable, proportionate and in compliance with international standards.<sup>6</sup>
- Ensure additional protections for all human rights and environmental defenders.
- Respect and protect the participatory rights, and wherever applicable, the process of free, prior and informed consent, of affected communities, in relation to any decision-making that impacts their rights and interests.
- Revoke with immediate effect all suspensions of environmental protections and enforcement, unless strictly limited to controlling the pandemic.

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<sup>5</sup> Multiple members provided input which shaped these demands, including among others: the Center for Economic, Social and Cultural Rights, AIDA, Asia Pacific Forum on Women, Law and Development (APLWD), AIPP, Dejusticia, Nazdeek Lok Shakti Abhiyan, FI, GI, Endorois Welfare Council, Just Associates, Partners for Rights and Dignity, EACR, Comité Ambiental en Defensa de la Vida, Franciscans International, Human Rights Law Network, Forum Asia, Front Line Defenders, the World Forum of Fisher Peoples and MRG.

<sup>6</sup> For more detailed guidance, see, for example, COVID-19 related statements from the [United Nations Committee on ESCR](#), the [African Commission on Human and Peoples' Rights](#), the [Inter-American Commission on Human Rights](#) and the [Inter-American Court of Human Rights](#).



- Suspend the approval of environmental and other official permits for sensitive development projects, unless strictly necessary to respond to the crisis, until such time as the above-mentioned rights can be adequately guaranteed.

### **In the intermediate to long term**

- Promote and engage in international cooperation in the COVID-crisis context to reconcile public health priorities with the climate change agenda, the post 2020 biodiversity agenda, the SDGs, and human rights obligations, adopting a human rights-based approach to data and science to inform public decision making.
- Ensure that national level resource mobilizations amongst donor countries in response to the COVID-19 crisis is not used as pretext to reduce international cooperation and assistance, particularly related to climate financing efforts, to developing countries.
- Adopt legal and policy measures to halt corporate influence negatively impacting human and environmental rights, for example, prohibit corporate lobbying targeting climate policies and environmental regulations.
- Adopt comprehensive social protection systems, those that fulfil economic and social rights obligations, to address needs so starkly demonstrated by the COVID-19 crisis, and increasingly by the climate crisis.

## **2. Strategically deploy the immense resources mobilized for recovery to promote and incentivize a transformative economic transition that advances human rights and climate justice**

### **In the short term**

- Prioritize people and the environment in relation to all financial assistance in response to the COVID-19 crisis. This applies to intermediate and long-term assistance as well.



- Provide no assistance to polluters and other industries that violate environmental and human rights, while ensuring just transitions for workers and communities reliant on these industries. This would also apply in the longer term.

### **In the intermediate to long term**

- Ensure economic stimulus and recovery packages, in particular, as regards any assistance to corporations, are aligned with human rights obligations and promote a just and equitable transition towards a zero-carbon, care-based/regenerative economy.
- Halt ecological destruction happening through industrial agriculture, extractive industries and accelerated urbanization and transform industrial food systems towards healthy, sustainable and just food systems centered around agro-ecological practices and community driven innovations.
- Work in coordination with international financial institutions to cancel debts of low- and moderate-income countries to allow them fiscal space to tackle Covid-19 related crises and the climate crisis, and ensure that all lending policies give primacy to human rights obligations and environmental protections.

*(This brief was finalized on 21 April 2020)*